

REMARKS/ARGUMENTS

The office action of October 28, 2004 has been carefully reviewed and these remarks are responsive thereto. Claims 21 and 27 have been amended, claim 33 has been cancelled, and new claims 34-36 have been added. No new matter has been added. Claims 1-32 and 34-36 thus remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gillick *et al.* (U.S. Pat. No. 5,530,455, hereinafter Gillick). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1 recites, among other features, “determination means for determining a data file navigation rate representing a navigation amount per input event as an increasing exponential function of the detected rate of user actuation.” The Office Action cites Gillick, col. 7, lines 29-55 as describing such a feature. However, Gillick, quite simply, does not anticipate the claim 1 system. *Gillick only has two modes of scrolling: one line at a time and one page at a time*, which does not anticipate an increasing exponential function of the detected rate of user actuation.

Throughout repeated Office Actions and a previous examiner interview in the parent application, the examiner has stated that the switch from line scrolling to page scrolling is inherently an exponential function, a statement with which Applicants have repeatedly and consistently disagreed. The examiner, in essence, is arguing that if all possible user actuation rates result in either one of only two scroll rates, that an exponential function must inherently be present. However, inherency cannot be shown by a mere chance that something exists. The missing descriptive material (here, the exponential function) must necessarily be present. Applicants submit that such is not the case. Instead, Gillick uses the following equation to determine scrolling:

ceases when the store equals zero. The algorithm is as follows: If (energy_store > pageBoost_threshold) AND (currentScrollType=byLine), then set currentScrollType=byPage. Also, if (energy_store < lineReduce_threshold) ⁴⁵ AND (currentScrollType=byPage), then set currentScrollType=byLine.

Gillick, Col. 7, lines 43-47. This is a Boolean function, not an exponential function.

The examiner has also promulgated the argument, during the examiner interview of the parent application, that if a user exponentially increases the speed with which the user rotates a mouse wheel, the navigation will exponentially go faster. Such an argument is irrelevant, because claim 1 recites “navigation amount per input event.” The examiner’s hypothetical example simply provides more input events – each input still only navigates the same amount. Even if the examiner’s proffer is true, Gillick still produces only a *proportional* increase in speed based on input events, not an *exponential* increase as claimed. See Gillick, col. 4, lines 53-54 (“A rapid count rate translates *proportionately* to a rapid message generation rate.” Emphasis added). Claim 1 is thus allowable over Gillick.

Independent claim 7 recites, among other features, “determining a data file navigation rate representing a navigation amount per input event as an increasing exponential function of the detected rate of user actuation.” Independent claim 14 recites, among other features, “determining a scroll rate representing a navigation amount based on the current rate of user actuation as an increasing function of the detected rate of user actuation.” Applicants submit that claims 7 and 14 are allowable for similar reasons as claim 1.

Irrespective of the fact that Applicants maintain that claims 1, 7, and 14 are allowable, Applicants have also added new claims 34-36 which indicate that the exponential functions recited in claims 1, 7, and 14, respectively, yield at least three data file navigation rates. Because Gillick only describes two scroll rates (line scrolling and page scrolling), Gillick does not anticipate new claims 34-36.

Claims 2-6, 8-13, and 15-20 are allowable at least based on the allowability of their respective base claims. In addition, with respect to claims 2, 8, and 17, Gillick does not round up a data file navigation rate as claimed. Instead, Gillick sets a first scrolling mode when the rotational rate of a roller is below a predetermined threshold, and sets a second scrolling mode when the

rotational rate of a roller is above the predetermined threshold. The data file navigation rate is never rounded up in such a scenario.

With respect to claims 6, 12, and 19, because Gillick does not describe even a single exponential function, Gillick also does not teach or suggest using a first exponential function when scrolling in a first direction and a second exponential function, different from said first exponential function, when scrolling in a second direction.

Amended independent claim 21 recites, among other features, “determining a rate of user actuation of the multidirectional input device by measuring an amount of time between the first scroll input event and the second scroll input event; and determining a scroll rate based on the measured amount of time...wherein each scroll input even is a predefined amount of movement of the multidirectional input device.” Gillick, on the other hand, indicates a change in scroll rate based on two or more roller *strokes* (which can be variable in length and each include different amounts of multiple scroll events) in quick succession, not based on an amount of time between two scroll events wherein each scroll input even is a predefined amount of movement of the multidirectional input device. In addition, the resultant scroll rate in Gillick is not an amount of scrolling to be performed based on the second scroll event, as claimed.

Amended independent claim 27 recites “generating an amount of scroll messages per input event based on a current speed with which a user actuates a multidirectional input device.” The Office Action misapplies Gillick in rejecting this claim. Gillick, at col. 4, lines 53-54, indicates that a rapid count rate translates proportionately to a rapid message generation rate. However, the claim recites that the scroll rate is based on the *speed with which a user actuates a multidirectional input device*, not the rate at which scroll messages are generated, as is described in Gillick. Indeed, the present invention can generate multiple scroll messages per scroll event if the rotational rate is fast, whereas Gillick generates only one scroll event per scroll message, regardless of rotational rate. This is a subtle, but important, difference, and Applicant has amended claim 27 to clarify this point.

Independent claim 28 is allowable for similar reasons as claim 27.

Independent claim 29 is allowable because Gillick does not teach or suggest the use of an acceleration curve. Indeed, the Office Action has not even addressed this limitation (“converting

the rate of user actuation into a navigation rate according to an acceleration curve”), and thus has not established a prima facie case of anticipation regarding claim 29.

Independent claim 33 has been cancelled.

Claims 22-26 and 30-32 are allowable at least for the same reasons as their respective base claims. In addition, claim 23, reciting the use of an exponential function, is further allowable for similar reasons as claim 1. Claims 24 and 31 are further allowable for similar reasons as claims 2, 8, and 17, discussed above. Claims 26 and 30 are further allowable for similar reasons as claims 6, 12, and 19, discussed above.

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 28 day of January, 2005

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